IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

OP.No. 22359 of 2002(J)

PETITIONER:

D.AMBIKA, REENAVILASOM,
MALAYADI, THOLIKODU,
VINOBANIKATHAN P.O.,
NEDUMANGAD, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

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1. THE SECRETARY, THOLIKODU
GRAMA PANCHAYAT, THOLICODU, VITHURA P.O.,
TRIVANDRUM.

2. THE PRESIDENT, DO. DO.

3. VASANTHAKUMARI, NIGITH BHAVAN,
CHITTUVEETTUMURI, THOLIKODE,
VINOBANIKATHEN P.O.,
TRIVANDRUM.

4. SUDHAKARAN, PALUVALLI VEEDU,
ANATTUMURI, PALODE,
TRIVANDRUM.

5. THE SECRETARY,
OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, TRIVANDRUM.

6. THE STATE OF KERALA,
REP. BY THE SECRETARY (LOCAL SELF GOVERNMENT),
SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.G.P.SHINOD for R1 & R2
SRI.RAM MOHAN.G.
SRI.MANU V.
BY GOVT. PLEADER R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/03/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP22359/2002

ORDER ON C.M.P.NO.38306/2002 IN O.P.NO.22359/2002

DISMISSED.

8.3.2007 SD/- C.N.RAMACHANDRAN NAIR, JUDGE

I N D E X

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PETITION NO.2602/01 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

EXT.P2: COPY OF THE NEWS ITEM WHICH APPEARED IN THE KERALA KAUMUDI DAILY DATED 15.5.2002.

EXT.P3: COPY OF THE NEWS ITEM WHICH APPEARED IN THE KERALA KAUMUDI DAILY DATED 8.10.1998.

EXT.P4: COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, NEDUMANGAD TO THE R.D.O. ON 7.1.2002.

EXT.P5: COPY OF THE ORDER IN M.C.NO.83/99 OF THE SUB DIVISIONAL MAGISTRATE, TRIVANDRUM.

EXT.P6: COPY OF THE ORDER DATED 2.7.2002 IN O.P.NO.2602/01 OF THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, TRIVANDRUM.

/TRUE COPY/

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J

O.P.No.22359 of 2002

Dated this the 8th day of March, 2007

JUDGMENT

Petitioner is challenging Ext.P6 order by which the ombudsman dismissed the complaint against the first respondent Panchayath funding construction of a toilet for the third respondent. Counsel for the Panchayath submitted that the third respondent lives below the poverty line and therefore the Panchayath funded for construction of a toilet in her house. In the circumstances, I do not find any justification to interfere with Ext. P6 order dismissing the complaint, by the Ombudsman. There is no justification for the Ombudsman awarding cost particularly, when bias is alleged against the Panchayath. Accordingly, the cost awarded by the Ombudsman is cancelled.

The O.P. is disposed as above.

C.N.RAMACHANDRAN NAIR,
JUDGE

csl